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Attorney for Defendant
ALFREDO OSUNA VIDRIO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. F 98-5368 AWI
)	
Plaintiff,)	STIPULATED MOTION AND [lodged]
)	ORDER TO REDUCE SENTENCE PURSUANT
v.)	TO 18 U.S.C. § 3582(c)(2)
)	
ALFREDO OSUNA VIDRIO,)	<u>RETROACTIVE CRACK COCAINE</u>
)	<u>REDUCTION CASE</u>
Defendant.)	
)	Judge: Hon. ANTHONY W. ISHII
)	

Defendant, ALFREDO OSUNA VIDRIO, by and through his attorney,
Assistant Federal Defender David M. Porter, and plaintiff, UNITED
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
KEVIN P. ROONEY, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the
term of imprisonment in the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant to 28
U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Vidrio was
subsequently lowered by the United States Sentencing Commission in
Amendment 706 by two levels;

3. Accordingly, Mr. Vidrio's offense level has been reduced from 33 to 31, and a sentence at the low end of the new guideline range would be 135 months;

4. Mr. Vidrio merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Vidrio's positive post-sentencing conduct;

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Vidrio's term of imprisonment to an aggregate term 135 months on all counts, comprised of 135 months on counts 1 to 5, and 120 months as to count 6, all counts to run concurrently with each other for a total term of 135 months.

Dated: August 10, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Kevin P. Rooney
KEVIN P. ROONEY
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
ALFREDO OSUNA VIDRIO

ORDER

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Vidrio is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable offense level from 33 to 31.

IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to an aggregate term of 135 months on all counts,

STIPULATION AND ORDER TO REDUCE SENTENCE

1 comprised of 135 months on counts 1 to 5, and 120 months as to count 6,
2 all counts to run concurrently with each other for a total term of 135
3 months.

4 IT IS FURTHER ORDERED that all other terms and provisions of the
5 original judgment remain in effect.

6 Unless otherwise ordered, Mr. Vidrio shall report to the United
7 States Probation office closest to the release destination within
8 seventy-two hours after his release.

9
10 IT IS SO ORDERED.

11 **Dated: August 11, 2008**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE